

SEALED BY ORDER

OF THE COURT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FILED

2007 AUG -2 A 8:18

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

vs.

ROBERT VILLARREAL and
DAVID RAY HERNANDEZ a/k/a "SHAGGY"

INDICTMENT

Count One: Title 21, United States Code, Sections 846 and 841(b)(1)(B)(viii) - Conspiracy to Distribute of Methamphetamine

Count Two: Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii) - Distribution of Methamphetamine

A true bill.


Foreperson

Filed in open court this 1 day of Aug 2007

A.D. 2007


UNITED STATES MAGISTRATE JUDGE

Bail. \$ NO BAIL WARRANT
RS

| | |
|--|------------|
| DOCUMENT NO. | CLERK |
| 1 | (initials) |
| DISTRICT COURT CRIMINAL CASE PROCESSING | |

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

FILED

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OF THE COURT

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT VILLARREAL and
DAVID RAY HERNANDEZ,
a/k/a "SHAGGY",

Defendants.

CR

No.

07 00506RMW

VIOLATIONS: 21 U.S.C. § 846 –
Conspiracy to Distribute Methamphetamine
21 U.S.C. § 841(a)(1) – Distribution of
Methamphetamine

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 846 and 841(b)(1)(B)(viii))

On or about March 30, 2006, and continuing through and including March 31, 2006,
in the Northern District of California, the defendants,

ROBERT VILLARREAL and
DAVID RAY HERNANDEZ,
a/k/a "SHAGGY",

INDICTMENT

1 did knowingly and intentionally conspire with other persons known and unknown to the Grand
2 Jury to distribute a controlled substance, to wit, 5 grams and more of methamphetamine,
3 its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Sections
4 846 and 841(b)(1)(B)(viii).

5 COUNT TWO: (21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii))

6 On or about March 31, 2006, in the Northern District of California, the defendants,

7
8 ROBERT VILLARREAL and
9 DAVID RAY HERNANDEZ,
a/k/a "SHAGGY",

10 did knowingly and intentionally distribute a controlled substance, to wit, 5 grams and more of
11 methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United
12 States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

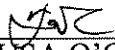
13
14 A TRUE BILL.

15
16
17 DATED: 8/1/07

18
19 
FOREPERSON

20 SCOTT N. SCHOOLS
United States Attorney

21 
22 DAVID R. CALLAWAY
Deputy Chief, San Jose Office

23
24 (Approved as to form: )
25 AUSA O'Connell
26
27
28

DEMANDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

SEE ATTACHMENT TO PENALTY SHEET

PENALTY:

SEE ATTACHMENT TO PENALTY SHEET

07 AUG -2 AM 8:19
 RICHARD W. WIEKING
 U.S. DISTRICT COURT
 NO. 00506
 Petty
 Minor
 Misdemeanor
 Felony

CR

DEFENDANT - U.S.

ROBERT VILLARREAL

DISTRICT COURT NUMBER

07 00506

ZMW

RS

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)

S/A Robert Patrizi-ATF

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

THOMAS M. O'CONNELL

UNITED STATES OF AMERICA

v.

ROBERT VILLARREAL and
STEVEN COTA a/k/a "ROOSTER"

ATTACHMENT TO PENALTY SHEET

Count One: Title 21, United States Code, Sections 846 and 841(b)(1)(B)(viii) - Conspiracy to Distribute Methamphetamine

5 years imprisonment (mandatory minimum)
40 imprisonment (maximum)
\$2,000,000 Fine
4 years of supervised release
\$100 special assessment

Count Two: Title 21, United States Code, Sections 846 and 841(b)(1)(B)(viii) - Distribution of Methamphetamine

5 years imprisonment (mandatory minimum)
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

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NO. DIST. OF CA. S.J.

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☐ Petty
☐ Minor
☐ Misdemeanor
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DEFENDANT - U.S.

DAVID RAY HERNANDEZ a/k/a "SHAGGY"

DISTRICT COURT NUMBER

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Has detainer been filed? ☐ Yes ☐ No

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Month/Day/Year

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Or... if Arresting Agency & Warrant were not

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DATE TRANSFERRED TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

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☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

THOMAS M. O'CONNELL

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